

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Based upon the pending application of the Government, and good cause appearing,

IT IS HEREBY ORDERED that the attorney-client privilege in 2:08-cr-164-KJD-GWF between the defendant and Benjamin C. Durham, Esq., shall be deemed waived for all purposes relating to the defendant's motion pursuant to 28 U.S.C. § 2255 to vacate, set aside or correct sentence by a person in federal custody. Former defense counsel Benjamin C. Durham, Esq., shall, within 30 days of this order, provide the government with an affidavit concerning all information known by him relating to those matters put at issue in the defendant's motion. Further, Benjamin C. Durham, Esq., may communicate with government counsel and provide supporting documentation regarding all matters put in issue in the defendant's motion.

1 The government shall have an additional 30 days, after receiving Mr.
2 Durham's affidavit, to file its response to Defendant's 2255 motion.

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4 DATED this 21st day of ^{June} _____, 2013.

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8 UNITED STATES DISTRICT JUDGE

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